

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

FILED IN OPEN COURT
ON 7-11-2023
Peter A. Moore, Jr., Clerk
US District Court
Eastern District of NC

NO. 4:23-CR-35-M-RN-1
NO. 4:23-CR-35-M-RN-2

UNITED STATES OF AMERICA)

v.)

INDICTMENT

JAMES HATHCOCK)

ROBERT MILTON GREEN)

The Grand Jury charges that:

COUNT ONE

Beginning on a date unknown to the Grand Jury, but no later than on or about March 3, 2023, and continuing up to and including on or about April 20, 2023, in the Eastern District of North Carolina, and elsewhere, the defendants, JAMES HATHCOCK and ROBERT MILTON GREEN, did knowingly and intentionally combine, conspire, confederate, agree and have a tacit understanding with each other and with other persons, known and unknown to the Grand Jury, to knowingly and intentionally distribute and possess with the intent to distribute cocaine and fentanyl, Schedule II controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

(Remainder of page left intentionally blank)

Quantity of Controlled Substances Involved in the Conspiracy

With respect to the defendant, JAMES HATHCOCK, the amount involved in the conspiracy attributable to him as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, is a quantity of cocaine, and a quantity of fentanyl, Schedule II controlled substances.

With respect to the defendant, ROBERT MILTON GREEN, the amount involved in the conspiracy attributable to him as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, is five hundred (500) grams or more of a mixture and substance containing a detectable amount of cocaine, and forty (40) grams or more of a mixture and substance containing a detectable amount of fentanyl, Schedule II controlled substances.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

On or about March 3, 2023, in the Eastern District of North Carolina, the defendants, JAMES HATHCOCK and ROBERT MILTON GREEN, aiding and abetting each other, did knowingly and intentionally distribute a quantity of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT THREE

On or about March 14, 2023, in the Eastern District of North Carolina, the defendant, JAMES HATHCOCK, did knowingly and intentionally distribute a quantity of fentanyl and cocaine base (crack), both Schedule II controlled

substances, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOUR

On or about March 31, 2023, in the Eastern District of North Carolina, the defendant, JAMES HATHCOCK, did knowingly and intentionally distribute a quantity of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT FIVE

On or about April 4, 2023, in the Eastern District of North Carolina, the defendant, JAMES HATHCOCK, did knowingly and intentionally possess with the intent to distribute a quantity of fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT SIX

On or about April 11, 2023, in the Eastern District of North Carolina, the defendant, JAMES HATHCOCK, did knowingly and intentionally distribute a quantity of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT SEVEN

On or about April 14, 2023, in the Eastern District of North Carolina, the defendants, JAMES HATHCOCK and ROBERT MILTON GREEN, aiding and abetting each other, did knowingly and intentionally distribute a quantity of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT EIGHT

On or about April 20, 2023, in the Eastern District of North Carolina, the defendant, JAMES HATHCOCK did knowingly and intentionally possess with the intent to distribute a quantity of cocaine, a quantity of fentanyl, and a quantity of a mixture and substance containing methamphetamine, all Schedule II controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT NINE

On or about April 20, 2023, in the Eastern District of North Carolina, the defendant, JAMES HATHCOCK, did knowingly possess a firearm in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, as alleged in Count Eight of this Indictment, in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

COUNT TEN

On or about, April 20, 2023, in the Eastern District of North Carolina, the defendant, JAMES HATHCOCK, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one (1) year, knowingly possessed a firearm, and the firearm was in and affecting commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924.

COUNT ELEVEN

On or about April 20, 2023, in the Eastern District of North Carolina, the defendant, ROBERT MILTON GREEN, did knowingly and intentionally possess with the intent to distribute five hundred (500) grams of a mixture and substance

containing a detectable amount of cocaine, forty (40) grams or more of a mixture and substance containing a detectable amount of fentanyl, fifty (50) grams or more of a mixture and substance containing a detectable amount of methamphetamine, and a quantity of cocaine base (crack), Schedule II controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT TWELVE

On or about, April 20, 2023, in the Eastern District of North Carolina, the defendant, ROBERT MILTON GREEN, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one (1) year, knowingly possessed a firearm, and the firearm was in and affecting commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924.

(Remainder of page left intentionally blank)

ALLEGATION OF PRIOR CONVICTION

For purposes of Title 21, United States Code, Sections 841 and 851, JAMES HATHCOCK and ROBERT MILTON GREEN, committed the violations alleged in the Indictment after a prior conviction for a felony drug offense, as defined in Title 21, United States Code, Section 802(44), had become final.

FORFEITURE NOTICE

Notice is hereby given that all right, title and interest in the property described herein is subject to forfeiture.

Upon conviction of any felony violation of the Controlled Substances Act charged herein, the defendant shall forfeit to the United States, pursuant to 21 U.S.C. § 853(a), any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the said offense, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said offense.

Upon conviction of any violation of the Gun Control Act, the National Firearms Act, or any other offense charged herein that involved or was perpetrated in whole or in part by the use of firearms or ammunition, the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and/or 26 U.S.C. § 5872, as made applicable by 28 U.S.C. § 2461(c), any and all firearms and ammunition that were involved in or used in a knowing or willful commission of the offense, or that were intended to be used in any offense identified in 18 U.S.C. § 924(d)(3), or, pursuant to 18 U.S.C. § 3665, that were found in the possession or under the

immediate control of the defendant at the time of arrest.

The forfeitable property includes, but is not limited to, the following:

- One Hi Point, .45 caliber pistol bearing serial number X460560, seized on April 20, 2023, from 129 Nguyen Lane, Pollocksville, North Carolina.
- Bersa Thunder, .380 caliber pistol bearing serial number J29502, seized on April 20, 2023, from 129 Nguyen Lane, Pollocksville, North Carolina.
- Taurus Model 62C, .9mm caliber pistol bearing serial number ACH134829, seized on April 24, 2023, from 310 Kennedy Drive, New Bern, North Carolina.

(Remainder of page left intentionally blank)

If any of the above-described forfeitable property, as a result of any act or omission of a defendant: cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty; it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

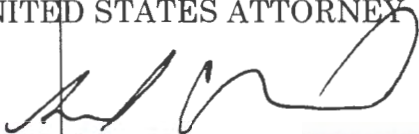
A TRUE BILL

REDACTED VERSION

Pursuant to the E-Government Act and the federal rules, the unredacted version of this document has been filed under seal.

✓
07 / 11 / 2023
DATE:

MICHAEL F. EASLEY, JR.
UNITED STATES ATTORNEY



By: LEONARD CHAMPAIGN
Assistant United States Attorney
Criminal Division